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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GATEGUARD, INC.,

Plaintiff,

-against-

GOLDMONT REALTY CORP., LEON GOLDENBERG,
and ABI GOLDENBERG,

Defendants.

Civil Action No. 1:20-cv-01609 (AJN) (GWG)

-----x

(Via Zoom Videoconference)

December 2, 2021

9:04 a.m.

Videoconference Deposition of
ABI GOLDENBERG, before Kristi Cruz, a
Stenographic Reporter and Notary Public of the
State of New York.

PROCEEDINGS

THE VIDEOGRAPHER: Good morning. We are now going on the record at 9:04 a.m. eastern time on December 2, 2021.

Please note that the microphones are sensitive and may pick up whispering, private conversations, and cellular interference. Please turn off all cell phones or place them away from the microphones, as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video-recorded deposition of Abi Goldenberg, 30(b)(6) for Goldmont Realty Corp., taken by plaintiff, in the matter of GateGuard Incorporated verse Goldmont Realty Corp., Leon Goldenberg, Abi Goldenberg, filed in the United States District Court, Southern District of New York, Civil Action Number 1:20-CV-01609-AJN-GWG. This deposition is being held remotely.

1 A. GOLDENBERG

2 A. To my knowledge, no.

3 Q. I'm not asking to your knowledge.
4 I'm asking: Did Goldmont Realty Corp. search
5 for documents, physical documents in your
6 office that you're in now relating to this
7 case?

8 A. I am representing on behalf of
9 Goldmont, that, to my knowledge, Goldmont has
10 not searched any physical documents in
11 relation to this case. They have checked
12 other forms, electronic.

13 Q. Which individuals acting on behalf
14 of Goldmont -- well, I'll back up.

15 The signature that we're looking at
16 on page 4 of Exhibit 5, it appears to me, I'm
17 not a forensic expert, but it appears that the
18 document was scanned, it was signed in a hard
19 copy and then scanned into a scanner.
20 Assuming that to be the case, which
21 individuals acting on behalf of Goldmont
22 scanned this document?

23 A. Myself.

24 Q. Okay. You scanned -- you, Abi
25 Goldenberg acting on behalf of Goldmont,

1 A. GOLDENBERG

2 scanned the document, specifically the
3 signature page on page 4 of Exhibit 5?

4 A. Yes.

5 Q. Approximately when did Abi
6 Goldenberg acting on behalf of Goldmont scan
7 the document?

8 A. Approximately when it was sent.
9 Between the months of August and September of
10 2019.

11 Q. Okay. Well, I'll go back to the top
12 here. This was sent Friday, August 30, 2019
13 so --

14 A. Oh.

15 Q. -- in that --

16 A. Fair to say, it was Thursday,
17 August 29th.

18 Q. Okay. So give or take a few days --

19 A. Yes.

20 Q. -- somewhere possibly shortly before
21 August 30, 2019, we're talking.

22 What scanner did you use, again on
23 behalf of Goldmont, to scan this document?

24 A. I'm assuming Goldmont's scanner.

25 Q. How many scanners does Goldmont

1 A. GOLDENBERG

2 have?

3 A. Two.

4 Q. Okay. Where are they located?

5 A. One is on the main floor, and one is
6 in the basement.

7 Q. And that's the main floor of the
8 office you mentioned, 1360 --

9 A. Yes.

10 Q. -- East 14th?

11 A. Yes.

12 Q. How many pages did you -- again, on
13 behalf of Goldmont Realty Corp., how many
14 pages did you scan into the scanner?

15 A. I don't know.

16 Q. Okay. After the document was
17 scanned -- well, I'll back up.

18 Goldmont's scanner, does Goldmont's
19 scanner maintain copies of all of the
20 documents that are scanned into it?

21 A. Not to my knowledge. It goes to the
22 email of the person that scanned.

23 Q. Okay. So in this case, if I
24 understand correctly, you scanned a document
25 into the scanner we just discussed, and then

1 A. GOLDENBERG

2 you received an email of the scan that you
3 just --

4 A. Yes.

5 Q. Okay. Do you have a copy of that
6 email?

7 A. I would assume so if it's in the
8 emails.

9 Q. Okay.

10 RQ MR. REINITZ: Can you provide us
11 with a copy? Because we never received a
12 copy of the email. Mr. Schindelheim, can
13 you get us a copy of that?

14 MR. SCHINDELHEIM: We ask that you
15 make all document requests in writing, and
16 we will take them under advisement upon
17 receipt.

18 MR. REINITZ: Sure, I will. I'm
19 just going to note for the record we did
20 not -- we received, again, we have this,
21 so it's Binder2.pdf obviously from
22 Mr. Rubinstein. To my knowledge --

23 THE WITNESS: Obviously we're only
24 doing it if I still have that email. I
25 have no idea if --

1 A. GOLDENBERG

2 MR. SCHINDELHEIM: Abi, there's no
3 question pending.

4 MR. REINITZ: Yes, that's
5 understood.

6 THE WITNESS: Okay.

7 MR. REINITZ: Again, I'm just, I'm
8 noting for the record. It's not a
9 question to you, Mr. Goldenberg. We do
10 not, to my knowledge, have a copy of that
11 scan, so again, we're just documenting for
12 Mr. Schindelheim, and I'll follow up in
13 writing, as you've asked --

14 MR. SCHINDELHEIM: Yes.

15 MR. REINITZ: -- for a copy of that
16 scanned document.

17 Q. So, if I understand correctly,
18 Mr. Goldenberg, around August 30th, like you
19 said, within a few days, on behalf of
20 Goldmont, you scanned the document that was
21 signed by Leon Goldenberg that we've looked
22 at, and then you mentioned a few minutes ago
23 that you combined it with another document.
24 What was that second document; not the scan,
25 but the second document you combined it with?